

## Proposed Amendment

### 18VAC76-20: Regulations Governing the Prescription Monitoring Program

#### **18VAC76-20-60. Criteria for discretionary disclosure of information by the Director.**

A. In accordance with § 54.1-2523 (C) of the Code of Virginia, the Director may disclose information in the program to certain persons provided the request is made in writing on a form provided by the Department.

B. The Director may disclose information:

1. To the recipient of the dispensed drugs, provided the request is accompanied by a copy of a valid photo identification issued by a government agency of any jurisdiction in the United States verifying that the recipient is over the age of 18 and includes a notarized signature of the requesting party. The report shall be mailed to the address on the license or delivered to the recipient at the Department.

2. To the prescriber for the purpose of establishing a treatment history, provided the request is accompanied by the prescriber's license number issued by the Department, the signature of the prescriber, and ~~a copy~~ attestation of having obtained ~~of the~~ written consent ~~obtained~~ from the recipient. Such written consent shall be separate and distinct from any other consent documents required by the practitioner and shall be maintained as part of the patient record.

3. To another regulatory authority conducting an investigation or disciplinary proceeding or making a decision on the granting of a license or certificate, provided the request [is related to an allegation of a possible controlled substance violation and that it is accompanied by the signature of the chief executive officer who is authorized to certify orders or to grant or deny licenses.

4. To governmental entities charged with the investigation and prosecution of a dispenser, prescriber or recipient participating in the Virginia Medicaid program, provided the request is accompanied by the signature of the official within the Office of the Attorney General responsible for the investigation.

C. In each case, the request must be complete and provide sufficient information to ensure the correct identity of the prescriber, recipient and/or dispenser. Such request shall be submitted in writing by mail, private delivery service, in person at the Department offices or by facsimile.

D. Except as provided in subsection B 1 of this section, the request form shall be signed with an attestation that the prescription data will not be further disclosed and only used for the purposes stated in the request and in accordance with the law.